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BEUC suggestions for questions related to the promotion of
consumer policy by the new Commission

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Question to Commissioner designate ALMUNIA (Competition)

In the area of consumer redress

Most European consumers currently have no means to get compensation for the damages suffered as a result of anti-competitive practices by businesses, despite the recognition of their right by the European Court of Justice. The European Commission has engaged in extensive consultation with all stakeholders since 2005. A proposal for a Directive on private damages actions was imminent for adoption by the European Commission but was finally withdrawn from the agenda following strong pressure by businesses. The proposal would enable not only consumers, but also firms and particularly SMEs, who have suffered damage from an infringement of competition law rules to recover their losses from the infringer.

Do you intend to pursue the work of your predecessor, Commissioner Neelie Kroes, and adopt a binding Community instrument to the benefit of European consumers and SMEs ?

Questions for Commissioner designate BARNIER (Internal Market and Services)

In the area of financial services

Many European consumers have suffered from the financial crisis : because of home loans that were risky or not adapted to their needs, many households face difficulties in reimbursing their loan, and that has given rise to foreclosure in some Member States. For other consumers, access to credit has become impossible. Others have seen their investments in view of their retirement shrink. The mechanisms for deposit guarantees have not functioned in the case of banks operating in several Member States. These major difficulties have led to consumer distrust towards financial institutions.

While in the US, in the context of its programme to reinforce financial regulation, the Obama administration is preparing the implementation of a federal agency with powers to impose financial penalties to protect investors and credit users, very few measures have been taken in Europe to better protection consumers and to restore in confidence in financial services.

What do you intend to undertake to address these problems?

In the area of intellectual property

In a number of Member States, including in your own, national governments are considering the adoption of strict copyright enforcement measures that do not distinguish between individual users and organised entities operating on a commercial scale. Such measures fail to comply with the principle of proportionality and the users' fundamental rights, including the right to presumption of innocence and the right to a fair trial.

Do you believe that the adoption of such stringent measures at European level constitutes a fair and proportionate response to copyright infringements on the Internet, taking into consideration the current lack of objective data as to the magnitude of the problem and the legal uncertainty surrounding the application of the current legal framework to the digital world? What are your plans to achieve a fair and balanced legal framework Intellectual Property rights?

Questions for Commissioner designate DALLI (Health and Consumer Policy)
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In the area of pharmaceuticals

Do you think that the European Medicines Agency is adequately financed and staffed?

How will you ensure that the agency has enough resources to guarantee the safety of the medicines on the market, provide high quality and independent information to the general public and respond to the challenges of technological innovation, i.e. advanced therapies such as nanomedicines?

Internet-based sales of pharmaceuticals are by far the major source of counterfeit medicine, threatening those who seek cheaper, stigmatized or unauthorized treatments.

What will you do to address this increasing public health threat?

In the area of food

Nutrient profiles are a vital part of the Health Claims Regulation and it is imperative that the Commission comes forward with a proposal on this issue as soon as possible. However, as the last draft did not reflect the purpose of the Regulation, it is vital that the Commission starts redrafting the proposal again from scratch in order to provide for meaningful and efficient legislation on nutrient profiles and to ensure that the objective of the Health Claims Regulation, which is to protect the consumer, is achieved.

How do you plan to ensure that the aim of this piece of legislation – which is to prevent the consumer from being misled – will be achieved?

Do you acknowledge the fact that the only way forward is to begin redrafting the proposal for the development of nutrient profiles from scratch?

Therefore, can you confirm that this will be a top priority for DG Sanco and when can we expect such a proposal/ a timetable for such a proposal to be published?

In the area of nanotechnology and product safety

Advances in technology are occurring at a rapid pace. However, consumers are not always properly informed of related risks and benefits. Unlabelled consumer products using nanotechnologies begin to appear, while they may present new risks which have yet to be evaluated.

How will you ensure that competitiveness and innovation are combined with a high level of public health and safety?

As regards to the use of nanotechnology, what do you intend to do to reinforce safety, transparency and consumers' information in particular in the food and consumer goods sectors?

In the area of sustainable production and consumption and information to consumers

The advertising and marketing of products, especially unsustainable products, plays an important role in consumer choice. Consumers are faced with an increasing number of misleading/incorrect labels and misleading advertising which is confusing for consumers.

Which actions do you envisage to ensure that consumers are not misled by an increasing number of unsubstantiated green claims on products?

Which options do you see to improve the EU legislative framework on sustainable consumption and production (SCP)?

In the area of consumer redress

Expanding mass consumer markets with consumers shopping cross-border and on the internet create a high potential for large groups of consumers being harmed by the same or a similar illegal practice of a trader. Currently, mechanisms that allow a group of consumers to get compensation for the damage suffered by a breach of consumer protection laws exist only in some countries; these systems do not always provide for efficient consumer redress and are very different across Member States thus, making cross-border claims almost impossible.

Following extensive consultation and a number of studies carried out by DG SANCO, what are you planning to do to improve the availability and enhance the efficiency of collective redress mechanisms available to consumers across the EU?

Questions to Commissioner designate HEDEGAARD (Climate Action)

Many consumers are concerned about climate change and about their own impact on the environment. Increased awareness among consumers about their impact on the environment, and consequently climate change, has led to an increase in demand for sustainable products and services. However, very often consumers contribute with unsustainable consumption patterns to global warming as they do not find sustainable products and services.

Which role will consumers play in your policy strategies to combat climate change?

Post Copenhagen Process

The European Commissioner for Consumer Affairs, Meglena Kuneva, said in November 2009: There is a forgotten player in the global efforts to limit CO2 emissions: the consumer."

How are you going to ensure that the voice of consumers will be heard at European and global level in the context of advancing the UN negotiations in the post Copenhagen process?

Question for Commissioner designate KROES (Digital Agenda)

On the digital agenda

The previous Commission launched a European Digital Agenda to address European digital consumers' concerns – such as access to content and net neutrality for instance - and to ensure consumers are actually able to use digital services anywhere, anyhow and anytime in Europe.

What are the main actions you plan to undertake in order to implement the new Digital strategy for Europe?

Digital consumers are one of the main actors in the Digital Agenda for Europe.

How do you intend to integrate users' rights into your work programme?

Questions to Commissioner designate OETTINGER (Energy)

In the area of energy efficiency

Improving energy efficiency is crucial to prevent further degradation of the environment, to ensure the security of energy supplies, the competitiveness of European companies and the wellbeing of European consumers.

One of the main drawbacks of the current strategies is that energy efficiency and sustainable consumption and production (SCP) are, on the one hand, too often conflicting with other EU policies (e.g. strengthening internal market policies on cross-border services and products without taking into account the resulting environmental impacts). On the other hand many of the policies in the environmental/sustainability field overlap and a systematic and coherent approach to energy efficiency, climate change, Integrated Product Policy (IPP), and Sustainable Consumption and Production challenges is currently missing at the EU level.

How will you ensure that consistent and ambitious long term targets to improve energy efficiency and sustainability of products and services will be developed and implemented?

Questions to Commissioner designate POTOČNIK (Environment)
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On environmental labelling

The increasing number of labels, as well as misleading/incorrect labels and misleading advertising, is confusing consumers. The use of the adjective 'recyclable' for products in comparison with the use of the word 'recycled' is a common example of misleading information (consumers often believe that the Green Point on product packaging means that the product will be recycled, even though this is not necessarily the case. More 'ethical' marketing of products is urgently needed.

Which actions will you undertake to ensure that consumers will be provided with clear, credible and comparable information about environmental aspects of consumer products?

Do you see a need for a legislative framework for the standardised provision of environmental product information covering the existing EU Eco-label and Energy Labelling schemes and other environmental information such as Type III eco-labels ('environmental product declarations' - EPDs)?

What actions are you going to undertake to ensure more coherence of the various EU environmental labelling schemes such as the EU Ecolabel and the EU Energy label and to increase their effectiveness?

On sustainable product policy

One of the main instruments to improve the sustainability of products is the Ecodesign Directive which allows setting product specific requirements on the technical design of products. Thus, the worst performing products can be taken off the market. However, the existing Ecodesign Regulations focus primarily on increasing energy efficiency and do not sufficiently address impacts during the whole lifecycle of products, such as resource efficiency, water efficiency, noise levels, the use of hazardous substances, the extension of product lifetime, and possibilities for repair, as well as waste disposal.

What are the main actions that you will undertake in order to ensure that key environmental impacts during the whole life cycle of products will be taken into account when further implementing the Ecodesign Directive?

Questions to Commissioner designate REDING (Justice, Fundamental Rights and Citizenship)

On the proposed consumer rights directive:

What are your intentions in relation to the proposed consumer rights directive?

Are you aware that the proposed directive on consumer rights would have the effect of divesting consumers in many countries of important and well-established rights and that it would lead to the absurd consequence that in some respect "non-consumers" would be better protected than consumers?

Given the negative impact of full harmonization as proposed by the Commission in the field of consumers' contractual rights, will the new Commission show a more flexible attitude in relation to full vs. minimum harmonization than the last one?

Do you acknowledge that the level of protection as proposed by the consumer right's directive is too low in many areas and what can you do to ensure that improvements will be made?

The proposed consumer rights directive intends to enhance consumer confidence in on-line cross border shopping, yet it does not provide for specific rules to effectively address the problems that consumers face nowadays in this field.

What do you intend to do in relation to problems that consumers face when purchasing digital content, such as a lack of information, the wide-spread use of unfair contract terms and the lack of European rules on legal guarantees for these products?

On the integration of consumer market and contract law into the portfolio of the Commissioner for Justice, Fundamental Rights and Citizenship:

What idea/strategy is behind the move of the unit responsible for consumer market and contract law from DG SANCO into your portfolio?

What strategy do you have in relation to the further harmonization of EU consumer legislation as regards contract and market law and what are the main challenges ahead in this respect?

On data and privacy protection

Internet has become crucial to European citizens. When searching for information, accessing services and applications online, consumers leave digital footprints. More and more consumers are aware of the risks regarding the use/abuse of their personal data when using the Internet. While it is generally acknowledged that the principles of the data protection Directive 95/46/EC represent a valuable and solid set of rules to protect personal data, they seem to be largely ignored by Internet businesses and enforcement is lagging behind.

How do you intend to make online operators respect and apply those principles? What kind of new principles or measures you think could be of added value to make the online environment more secure when it comes to privacy? Have you reflected on the need to extend the obligation to notify data breaches to all Internet companies?

Question to Commissioner designate TAJANI (Industry and Entrepreneurship)
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On voluntary agreements in the context of ecodesign of products

Consumer organisations have traditionally expressed strong reservations vis-à-vis voluntary environmental agreements and self-regulation in general, in the context of public policy-making. An example of the current regulatory trend for voluntary agreements is the Ecodesign Directive, aiming at improving the environmental performance of energy-using and energy-related products. This Directive foresees the use of voluntary agreements as an alternative to mandatory implementing measures. However, voluntary agreements have the general weakness that they cannot be legally enforced by national market surveillance authorities.

How will you ensure that the objective of the ecodesign directive will be met and how will you evaluate the effectiveness of voluntary agreements to this end?

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